

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RUTH SMITH, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

SUNPATH, LTD., a Massachusetts corporation,

Defendant.

Case No. 1:22-cv-00081 (LMB/WEF)

DEFENDANT SUNPATH, LTD.'S FIRST MOTION IN LIMINE

Defendant SunPath, Ltd., respectfully submits its First Motion in Limine seeking to exclude the testimony of any Five9, Inc. representative and records produced by Five9, Inc. from trial. *See* Plaintiff's Witness List, ECF No. 52; Plaintiff's Trial Exhibit List, ECF No. 54 (exhibits 26-72). The grounds for this Motion are more fully articulated in the Memorandum in Support of this Motion, filed contemporaneously herewith.

Counsel for the parties conferred by telephone on January 17, 2023, pursuant to Local Civil Rule 7(E). They were unable to reach an agreement.

Dated: January 18, 2023

Respectfully submitted,

SUNPATH, LTD.

By Counsel

/s/ Joseph P. Bowser

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CERTIFICATE OF SERVICE

I hereby certify that I caused Defendant SunPath, Ltd.'s First Motion in Limine to be served upon counsel of record in this case via the U.S. District Court CM/ECF System on January 18, 2023.

/s/ Joseph P. Bowser
Joseph P. Bowser